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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

IN THE MATTER OF:

RADICAL BUNNY, L.L.C., an Arizona limited liability company,

HORIZON PARTNERS, L.L.C., an Arizona limited liability company,

TOM HIRSCH (aka TOMAS N. HIRSCH) and DIANE ROSE HIRSCH, husband and wife,

BERTA FRIEDMAN WALDER (aka BUNNY WALDER), a married person,

HOWARD EVAN WALDER, a married person,

HARISH PANNALAL SHAH and MADHAVI H. SHAH, husband and wife,

Respondents.

DOCKET NO. S-20660A-09-0107

Arizona Corporation Commission

DOCKETED

SEP 3 2010

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**PROCEDURAL ORDER**  
**MODIFYING HEARING DATES**

**BY THE COMMISSION:**

On March 12, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing against Radical Bunny, L.L.C., Horizon Partners, L.L.C., Tom Hirsch (aka Tomas N. Hirsch), Berta Friedman Walder (aka Bunny Walder), Howard Evan Walder, Harish Pannalal Shah, and Madhavi H. Shah ("Notice"), in which the Division alleged multiple violations of the Arizona Securities Act in connection with the offer and sale of securities in the form of notes and investment contracts.

On March 26, 2009, a request for hearing was filed on behalf of Horizon Partners, L.L.C., Tom Hirsch, Diane Rose Hirsch, Berta Friedman Walder, Howard Evan Walder, Harish Pannalal Shah and Madhavi H. Shah ("Respondents").

On April 28, 2010, the Commission issued Decision No. 71682, a Consent Order against

1 Respondent Radical Bunny, L.L.C., an Arizona limited liability company.

2 On April 30, 2010, a Motion of Summary Judgment or to Dismiss (Oral Argument  
3 Requested) ("Motion to Dismiss"); a Statement of Facts; and a Declaration of Tom Hirsch were filed  
4 on behalf of the Respondents.

5 On May 10, 2010, the Division filed its Response to the Motion.

6 By Procedural Order issued May 19, 2010, oral argument on the Motion was scheduled to be  
7 held during the May 25, 2010 Procedural Conference.

8 On May 20, 2010, the Respondents filed their Reply on Motion for Summary Judgment.

9 The May 25, 2010 Procedural Conference was held as scheduled and oral argument was heard  
10 on the Motion.

11 On May 27, 2010, the Division filed a Notice of Availability for Administrative Hearing and  
12 on July 13, 2010, the Division filed a Motion to Set Procedural (Status) Conference.

13 By Procedural Order issued August 2, 2010, the Motion to Dismiss was denied and new dates  
14 for hearing were set.

15 On August 31, 2010, the Division filed a Motion to Reschedule Additional Administrative  
16 Hearing Dates of October 29 – November 2, 2010.

17 In addition to the dates that the Division is unavailable, there are other dates that need to be  
18 modified due to the Commission's schedule and hearing room availability. Accordingly, new dates  
19 for the additional days of hearing should be set.

20 IT IS THEREFORE ORDERED that the **hearing** shall commence on **October 14, 2010 at**  
21 **10:00 a.m.**, or as soon thereafter as is practicable at the Commission's offices, 1200 West  
22 Washington Street, Hearing Room 1, Phoenix, Arizona.

23 IT IS FURTHER ORDERED that the parties shall set aside **October 15, 18, 21, 22, 25, and**  
24 **26, and November 3, 4, 5, 8, 9, 10, 19 and 22, 2010 for additional days of hearing**, if necessary.

25 IT IS FURTHER ORDERED that all other provisions of the August 2, 2010 Procedural  
26 Order remain in effect.

27 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
28 Communications) applies to this proceeding as the matter is now set for public hearing.

1 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
3 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
4 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
5 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
6 Administrative Law Judge or the Commission.

7 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
8 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
9 *hac vice*.

10 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
11 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

12 DATED this 3<sup>rd</sup> day of September, 2010.

13  
14  
15   
16 LYN FARMER  
CHIEF ADMINISTRATIVE LAW JUDGE

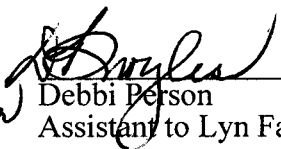
17 Copies of the foregoing mailed/delivered  
18 this 3<sup>rd</sup> day of September, 2010 to:

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